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***BASIC SECURITY REQUIREMENTS ARE CONTAINED
IN AR 380-5***

THE UNAUTHORIZED DISCLOSURE OF THE INFORMATION CONTAINED
IN THE ATTACHED DOCUMENT(S) COULD BE PREJUDICIAL TO THE
DEFENSE INTERESTS OF THE UNITED STATES

RESPONSIBILITY OF PERSONS HANDLING THE ATTACHED DOCUMENT(S)

1. Exercise the necessary safeguards to prevent unauthorized disclosure by never leaving the document(s) unattended except when properly secured in a locked safe.
2. Transfer the document(s) only to persons who need to know and who possess the required security clearance.
3. Obtain a receipt whenever relinquishing control of the document(s) if required by local regulations.

STORAGE

Store as prescribed in AR 380-5.

REPRODUCTION

Copies may be made of these documents except when the originating office has specifically denied this authority.

DISPOSITION

This cover sheet should be removed when document(s) are filed in a permanent file, declassified, destroyed, or mailed.

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Approved For Release 2002/08/12 : CIA-RDP80T01087A000900130004-7
HEADQUARTERS
DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT CHIEF OF STAFF FOR INTELLIGENCE
WASHINGTON 25, D.C.

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22 March 1960

SUBJECT: Dissemination of Intelligence to Contractors (U)

TO: SEE DISTRIBUTION

1. (U) References

- a. AR 380-1, "Safeguarding Defense Information"
- b. AR 380-2, "Military Security, Visitors"
- c. AR 380-130, "Armed Forces Industrial Security Regulations"
- d. AR 380-111, "Industrial Security"
- e. AR 380-150, "Safeguarding of Restricted Data"

2. (C) General. These instructions implement the United States Intelligence Board (USIB) policy (USIB-D-39.5/2) on the dissemination of intelligence to contractors of USIB member organizations.

3. (C) USIB Agreement. Executive Order No 10501, dated 5 November 1953, prescribes that "classified defense information originating in another department or agency shall not be disseminated outside the receiving department or agency without the consent of the originating department or agency." USIB-D-39.5/2 dated 10 Nov 1959 Subject "Agreement for Implementing USIB Policy on Release of Intelligence to contractors of USIB Organizations" is an agreement of USIB members to waive this provision of Executive Order 10501 as it pertains to certain intelligence material produced by the USIB member agencies. The purpose of this agreement is to avoid administrative delays in disseminating intelligence to certain contractors as defined below. It does not in any way circumvent the spirit and the intent of Executive Order No. 10501. It should be emphasized that this agreement applies to intelligence only and to that intelligence produced by the USIB member agencies to include Central Intelligence Agency, Department of State, Federal Bureau of

CONFIDENTIAL

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ACSI-SM

SUBJECT: Dissemination of Intelligence to Contractors (U)

Investigation, National Security Agency, Atomic Energy Commission, Joint Chiefs of Staff, Department of Defense, Department of the Air Force, Department of the Army and Department of the Navy.

4. (U) Definitions. For the purpose of these instructions the following definitions will apply:

a. Intelligence Contractor. Private individual (including a consultant) or organization under contract to the United States Government for the purpose of performing classified services of an intelligence nature in support of the intelligence mission of an organization member of the USIB. This would be a contractor who is, in fact, performing work directly for an intelligence agency. It might be a contractor who produces publications, studies, manuals or the like which are used by one or more USIB member agencies in the performance of their intelligence functions. As a final test prior to dissemination, an affirmative answer must be obtained to the question, "will the loan of this intelligence to the contractor benefit the intelligence efforts of the United States?"

b. Intelligence Material. Any document, product or substance on or in which classified intelligence and intelligence information or classified information pertaining to intelligence activities may be recorded or embodied. "Material" includes everything, regardless of its physical character or makeup, i.e., machinery, documents, apparatus, devices, models, photographs, recordings, reproductions, notes, sketches, maps and letters as well as other products or substances.

c. Dissemination. The visual, oral or physical transmission of classified intelligence material.

d. Disseminating Agency. The Department of the Army Office, Agency or Command which exercises jurisdiction over an intelligence contractor through a duly appointed contracting officer.

e. Contracting Officer. An officer or civilian employee of any military department who, in accordance with procedures prescribed by each respective department, has been, or shall be, designated a contracting officer (and whose designation has not been terminated or revoked) with the authority to enter into and administer contracts and make determinations and findings with respect thereto, or any part of such authority. (See par 1-207.2, AR 380-130)

5. (U) Authority to determine intelligence contractors.

a. The Assistant Chief of Staff for Intelligence (ACSI) is the final authority for determining whether a contractor meets the criteria to be considered an intelligence contractor. All cases of doubt will be referred to ACSI, ATTN: Security Division, for final determination.

CONFIDENTIAL

CONFIDENTIAL

ACSI-3M

SUBJECT: Dissemination of Intelligence to Contractors (U)

b. Authority is hereby delegated to the following individuals to determine whether a contractor meets the requirements of an intelligence contractor: Commanding General, United States Continental Army Command; Commanding General, United States Army Air Defense Command; Commanding Generals of CONUS Armies and the Military District of Washington, U. S. Army; and heads of Headquarters, Department of the Army agencies.

6. (C) Procedures for disseminating to contractors intelligence material originating in a USIB member agency other than Department of the Army. Intelligence material originating in a USIB member agency other than Department of the Army may be disseminated by those persons designated in 5b above without referral to the originating or controlling agency (hereafter referred to as the "originating agency") provided that all of the following conditions are met:

a. The Department of the Army office or organization which disseminates intelligence material to intelligence contractors shall maintain a record of the material disseminated and shall be prepared to submit such a record to ACSI upon request.

b. Intelligence material disseminated to an intelligence contractor is provided on a loan basis. It does not become the property of the contractor and may be withdrawn from the contractor at any time. Upon expiration of the contract, the disseminating agency shall assure that all intelligence materials loaned under the authority of these instructions and all other materials of any kind incorporating data from such intelligence materials are returned to the disseminating agency for final disposition.

c. Intelligence materials which are otherwise releasable under these instructions which bear the stamp "Restricted Data" shall be disseminated to intelligence contractors only on condition that the disseminating agency shall have determined that the facility and all individuals concerned are cleared under applicable security regulations for access to "Restricted Data".

d. Intelligence contractors receiving intelligence material shall not disseminate the material to any activity or individual of the contractor's organization not directly engaged in providing services under the contract nor to another contractor (including a subcontractor), government agency, private individual or organization without the consent of the disseminating agency.

e. Intelligence material shall not be disseminated to foreign nationals (any person who is not a United States citizen) who may be intelligence contractors or employees of intelligence contractors, regardless of their level of security clearance, except with the specific permission of the originating agency.

CONFIDENTIAL

CONFIDENTIAL

ACSI-SM

SUBJECT: Dissemination of Intelligence to Contractors (U)

f. Intelligence contractors shall be required to maintain such records as will permit them to furnish on demand the names of individuals who have had access to intelligence material in their custody.

g. Dissemination of intelligence material to intelligence contractors shall be made by the disseminating agency only. Contractors shall be instructed to make their requests for intelligence material to their contracting officers.

h. In addition to the foregoing, the disseminating agency shall comply with all provisions of AR 380-130 in order to insure that intelligence material loaned to an intelligence contractor shall be properly safeguarded.

i. Agencies disseminating intelligence to contractors shall insure that the limitation imposed upon the contractor by AR 380-130 and by these instructions are incorporated into the contract between the contracting officer and the contractor.

j. The following intelligence materials shall not be disseminated to intelligence contractors without the permission of the originating agency:

(1) Materials classified TOP SECRET

(2) Counter-intelligence materials or that material concerning individual groups, organizations, situations and trends involving actual or potential espionage, sabotage, subversion or sedition, including any investigative report or memorandum originated and disseminated by the FBI.

(3) Classified materials marked for handling in special dissemination channels.

(4) The following elements of the National Intelligence Survey:

(a) Chapter 1

(b) Sections 40-44, 46, 50-59

(c) Sections 60-65 for all NIS areas except 13A, 14, 18, 19, 20, 22, 23, 26, 39A, 40, 41A and 43C.

(d) Supplement V for all NIS areas except those indicated as exceptions for sections 60-65 in (c) above.

(e) Supplement VI

(f) Key Personalities

CONFIDENTIAL

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ACSI-SM

SUBJECT: Dissemination of Intelligence to Contractors (U)

(g) NIS 108

(5) National Intelligence Estimates and Special National Intelligence Estimates. (also see par 7 below)

(6) The following CIA produced materials:

- (a) Current Intelligence Digest
- (b) Current Intelligence Weekly Summary
- (c) The OCI (Office of Current Intelligence) Handbook
- (d) Studies in Intelligence

(e) Report projects in the IP and MP series produced by the CIA Office of Research and Reports (ORR)

(7) Intelligence materials produced by J-2, Joint Chiefs of Staff.

(8) Materials originated or controlled by the Department of State or the Foreign Service of the United States.

(9) Materials which by reason of sensitivity of content bear special markings (such as contained in AR 381-1 "Control of Dissemination and Use of Intelligence and Intelligence Information (U)" or warnings which prohibit dissemination to contractors.

(10) In addition, the disseminating agency shall withhold materials which are identified as containing intelligence revealing sensitive and/or covert collection operations, sources or techniques, and materials which pertain to or reveal positions, policies, plans or intelligence operations of a member agency of USIB, including collection operations, sources or techniques.

7. (C) Dissemination to intelligence contractors of certain elements of information contained in NIE's and SNIE's. NIE's and SNIE's cannot be disseminated to intelligence contractors; however, the USIB has granted authority to ACSI to approve release to intelligence contractors of certain elements of information contained in NIE's and SNIE's on a strict need-to-know basis but without attribution except to ACSI. Those persons designated in paragraph 5b who desire to lend intelligence contractors information of this nature shall submit to ACSI for approval their proposed paraphrased version of the particular elements of the NIE or the SNIE which shall contain information classified no higher than SECRET.

8. (C) Requests for dissemination to intelligence contractors of intelligence material requiring approval of the originating agency.

a. When a Department of the Army disseminating agency determines

5.

CONFIDENTIAL

ACSI-SM

SUBJECT: Dissemination of Intelligence to Contractors (U)

that it is necessary for an intelligence contractor to have access to intelligence material which requires approval of the originating agency (see paragraph 6j,) he shall submit a request through ACSI to the USIB member agency concerned for approval. As a minimum, each request shall contain the following information:

(1) Description of the document and a statement as to whether or not it is locally available.

(2) Proposed recipient and whether or not the recipient is an intelligence contractor as defined in paragraph 4a.

(3) Contract data, to include facility clearance and the clearances of the personnel who will have access to the information.

(4) Justification of a need-to-know.

b. Requests from other USIB agencies for approval of dissemination of intelligence material produced within the Department of the Army and which comes under paragraph 6j will be submitted to ACSI.

c. In each case, in a and b above the office within OACSI which is directly responsible for the dissemination of the intelligence material in question (e.g. - Dissem Sec, Intel Doc Br, CI Br, J-2 coordinator, etc) shall, in coordination with the producer or office having primary interest, process the request.

9. (C) Requests for dissemination of intelligence material to contractors who do not qualify as intelligence contractors.

a. When a Department of the Army disseminating agency has determined that it is necessary for a contractor who does not qualify as an intelligence contractor to have access to intelligence material produced by a USIB member agency other than Department of the Army, he will request approval of that agency through ACSI stating the reasons therefor as outlined in paragraph 8a.

b. Requests from USIB member agencies to disseminate intelligence material produced in Department of the Army to contractors who do not qualify as intelligence contractors will be submitted to ACSI for approval.

c. In each case in a and b, above, the office within OACSI which is directly responsible for the dissemination of the intelligence material in question shall in coordination with the producer or office having primary interest, process the request.

10. (C) Dissemination to contractors of intelligence material originating in Department of the Army. Intelligence material originating within the Department

CONFIDENTIAL

CONFIDENTIAL

ACSI-SM Approved For Release 2002/08/12 : CIA-RDP80T01087A000900130004-7

SUBJECT: Dissemination of Intelligence to Contractors (U)

of the Army may be disseminated by those persons designated in 5b to contractors on a need-to-know basis without referral to the originating agency in accordance with the provisions of AR 380-5, AR 380-131 and AR 380-150. Any questions concerning dissemination of this intelligence material shall be referred by the disseminating agency to the originating agency within Department of the Army.

11. (U) Debriefing of intelligence contractors. Upon termination of a contract, the contracting official of the military department concerned will require the intelligence contractor to complete a debriefing statement. (Security Officer)

12. (C) The purpose of these instructions is to permit timely dissemination of certain intelligence material to intelligence contractors who have a valid need-to-know. The importance of safeguarding classified intelligence information cannot be over emphasized. The disseminating agency should, therefore, consider carefully each item of intelligence which it transmits to a contractor and bear in mind the fact that the more widespread the dissemination of a document, the greater are its chances of compromise.

13. (U) These instructions contain classified material which has been extracted from the referenced document in paragraph 2 above, and may not be regraded until the referenced document has been regraded.

FOR THE ASSISTANT CHIEF OF STAFF FOR INTELLIGENCE

John Williamson
for E. T. ASHWORTH
Colonel, GS
Executive

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7

CONFIDENTIAL

ACSI-SM

SUBJECT: Dissemination of Intelligence to Contractors (U)

AMS

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